

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 02-cr-22-03-PB

Jerome Griffin

O R D E R

The clerk shall set a hearing to determine the drug weight attributable to the defendant. An evidentiary hearing will not be required if the parties agree on the drug weight and there is evidentiary support for the agreement. If the defendant is deemed to be liable for a drug weight that is above the amount specified in the plea agreement, and the drug weight found by the court affects the defendant's entitlement to a sentence reduction, the defendant will be given an opportunity to withdraw his guilty plea. Otherwise, the court will determine whether the defendant is eligible for a sentence reduction based on the drug weight found and any other relevant considerations. The defendant shall attend the hearing unless he executes a written waiver of his right to attend.

The motion for a status conference (Doc. No. 308) is denied.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

January 29, 2010

cc: David H. Bownes, Esq.
Aixa Maldonado, Esq.
United States Marshal
United States Probation